

REMARKS

Claims 1-21 were pending in the Application. Claims 1-3 and 6-8 are cancelled without prejudice or disclaimer. Hence, claims 4-5 and 9-21 are pending. Claims 9-17 and 20-21 are withdrawn from consideration.

Applicant cancelled claims 1-3 and 6-8 to expedite the issuance of claims 4-5 and 18-19 and is not in response to Examiner's cited art. Applicant is not conceding that cancelled claims 1-3 and 6-8 are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating the expeditious prosecution of the subject matter (claims 4-5 and 18-19) indicated by the Examiner as being allowable (see below). Applicant respectfully reserves the right to pursue these (claims 1-3 and 6-8) and other claims in one or more continuation patent applications.

The Examiner has indicated that claims 4, 18 and 19 are allowed. The Examiner has further indicated that claim 5 would be allowable if rewritten in independent form. As indicated above, claim 5 was amended to be rewritten in independent form. Hence, claims 4-5 and 18-19 are allowable.

As stated above, claim 5 was amended to be rewritten in independent form. Claim 5 was not amended to overcome prior art. Hence, no prosecution history estoppel arises from the amendments to claim 5. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claim 5 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. See *Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As a result of the foregoing, it is asserted by Applicant that claims 4-5 and 18-19 in the Application are in condition for allowance, and Applicant respectfully requests an allowance of such claims. Applicant respectfully requests that the

Examiner call Applicant's attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

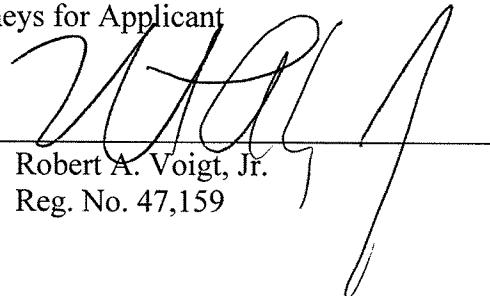
Respectfully submitted,

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42581-P002P1 04/15/2010